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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,952	04/12/2001	Toshiaki Ueguri	862.C2197	9892

5514	7590	10/06/2004

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EXAMINER
VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
Office Action Summary	09/832,952	UEGURI ET AL.	
	Examiner	Art Unit	
	Gregory J. Vaughn	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-51* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 April 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)	
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5/23/01* .		6) ☐ Other: _____ .	

U.S. Patent and Trademark Office
PTO-326 (Rev. 04-01)   Office Action Summary   Part of Paper No. 10

DETAILED ACTION

Application History

1.   This action is responsive to the application filing, Application filed on 4/12/2001.

2.   Claims 1-51 are pending in the case, claims 1, 5, 9, 13, 17, 21, 25, 30, 34, 39, 43 and 48 are independent claims.

Priority

3.   Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) to Japanese applications 112412/2000 (filed 4/13/2000) and 112656/2001 (filed 4/11/2001). The certified copies of these applications haves been filed in the current application.

Drawings

4.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- "30" in Figure 2.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5.   The disclosure is objected to because of the following informalitie**s**:

- The disclosure recites *"if mode information = "2", the flow advances to step S804; or if mode information = "3", the flow advances to step S805"* (page 14, lines 3-5) in reference to Figure 8. In Figure 8, the flow out of step S802 is to steps S803, S809 or S814.

- The disclosure recites *"speech output unit 1106"* (page 21, line 23) in reference to Figure 11. Reference sign 1106 in Figure 11 is directed toward a *"Speech Synthesizer"*.

- The disclosure recites *"speech output unit 1306"* (page 24, line 19) in reference to Figure 13. Reference sign 1306 in Figure 13 is directed toward a *"Language Synthesizer"*.

- The disclosure fails to disclose those reference signs listed in paragraph 4 above, which are shown in the drawings.

Appropriate correction is required.

6.   The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35
U.S.C. 102 that form the basis for the rejections under this section made in
this Office action:

> *"A person shall be entitled to a patent unless –*
>
> *(e) The invention was described in (1) an application for patent, published
> under section 122(b), by another filed in the United States before the
> invention by the applicant for patent or (2) a patent granted on an
> application for patent by another filed in the United States before the
> invention by the applicant for patent, except that an international
> application filed under the treaty defined in section 351(a) shall have the
> effects for purposes of this subsection of an application filed in the United
> States only if the international application designated the United States
> and was published under Article 21(2) of such treaty in the English
> language."*

8.   Claims 1-51 are rejected under 35 U.S.C. 102(e) as being anticipated by
Levac et al. US Patent 6,034,970, filed 7/2/1997, patented 3/7/2000
(hereinafter Levac).

9.   **Regarding independent claim 1**, Levac discloses detection means for
detecting new text inserted in a web page. Levac recites: *"The data
acquisition program may include a Web scanning program, which is
configured to monitor one or more Internet Web sites that are of interest to a
designated message recipient. Upon detection of a modification to the
information content of the Web site, the data acquisition program can update
the variable value in the message template with information providing a
notification of the modification"* (column 10, lines 54-61). Levac further
discloses transmitting a character string representing the text to a registered

user. Levac recites: "*The data acquisition program can then convey the updated message template through automated source interface 22. The notification can simply be a communication alerting the message recipient of the modification (e.g., "www.xxx.com was updated on 1/1/97"), or can include a portion of the modified information content, such as new text*" (column 10 lines 61-67).

10.   **Regarding dependent claim 2**, Levac discloses transmitted text that includes a title of the web page with the text of the web page. Levac recites: "*Preferably, the .msa file created by message file generator 23 may incorporate, and in some instances must incorporate, the following information: 1. OWNER: identifies the user who created the file; consists of the length of the user's name followed by the user's name; required stream. 2. FILENAME: identifies the name the file was saved as by the user; consists of the length of the FILENAME followed by the FILENAME; required stream. 3. FILETYPE: identifies the format (for example, .wav or .msw) of the actual message as generated embedded within the .msa file; consists of the length of the FILETYPE followed by the FILETYPE; required stream. 4. DATA: contains the message and associated components, such as text characters or control codes, in the format defined by the FILETYPE stream; consists of the length of the DATA array followed by the DATA array; required stream*" (column 4, lines 48-67), (compare "*title*" with "*File Name*" and "*text*" with "*Data*").

11.   **Regarding dependent claim 3**, Levac discloses the transmission of a creation date with the text. Levac recites: *"Message file generator 23 embeds the actual message in the .msa file together with primary data streams specifying essential message parameters, such as date, time"* (column 4, lines 39-42).

12.   **Regarding dependent claim 4**, Levac discloses deleting text. Levac recites: *"In addition to routing messages to protocol converters 24a-n, message server 14 also transmits server commands, such as the activate message command discussed previously. Other server commands can include a "delete message" command and a "delete all messages" command"* (column 9, lines 25-29).

13.   **Regarding claims 5-8**, the claims are directed toward a method for the apparatus of claims 1-4, respectively, and are rejected using the same rationale.

14.   **Regarding independent claim 9**, Levac discloses detection means for detecting new text inserted in a web page. Levac recites: *"The data acquisition program may include a Web scanning program, which is configured to monitor one or more Internet Web sites that are of interest to a designated message recipient. Upon detection of a modification to the information content of the Web site, the data acquisition program can update the variable value in the message template with information providing a notification of the modification"* (column 10, lines 54-61). Levac also discloses

converting the text to phonetic character strings. Levac recites: "*As illustrated in FIG. 5, system 10 preferably includes various other types of protocol converters 24a-n that convert messages and variable data to protocols, such as are compatible with fax machines, e-mail systems, HTML files, audio devices (audio.wav)*" (column 7, lines 49-53).

Levac further discloses transmitting a character string representing the text to a registered user. Levac recites: "*The data acquisition program can then convey the updated message template through automated source interface 22. The notification can simply be a communication alerting the message recipient of the modification (e.g., "www.xxx.com was updated on 1/1/97"), or can include a portion of the modified information content, such as new text*" (column 10 lines 61-67).

15.   **Regarding dependent claims 10-12**, the claims contain substantially the same subject matter as claims 2-4, respectively, and are rejected using the same rationale.

16.   **Regarding claims 13-16**, the claims are directed toward a method for the apparatus of claims 9-12, respectively, and are rejected using the same rationale.

17.   **Regarding claims 17-20 and 21-24**, the claims are directed toward an apparatus and method for the apparatus of claims 9-12, respectively, and are rejected using the same rationale.

18.   **Regarding independent claim 25**, Levac discloses reception means for receiving new text inserted in a web page. Levac recites: ""*The data acquisition program can then convey the updated message template through automated source interface 22. The notification can simply be a communication alerting the message recipient of the modification (e.g., "www.xxx.com was updated on 1/1/97"), or can include a portion of the modified information content, such as new text*" (column 10 lines 61-67).

Levac also discloses converting the text to synthetic speech. Levac recites: "*As illustrated in FIG. 5, system 10 preferably includes various other types of protocol converters 24a-n that convert messages and variable data to protocols, such as are compatible with fax machines, e-mail systems, HTML files, audio devices (audio.wav)*" (column 7, lines 49-53).

Levac further discloses a speech output means in Figure 5 at reference sign 18h (shown as "*Speakers*").

19.   **Regarding dependent claim 26**, the claim contains substantially the same subject matter as claim 2, and is rejected using the same rationale.

20.   **Regarding dependent claim 27**, the claim contains substantially the same subject matter as claim 3, and is rejected using the same rationale.

21.   **Regarding dependent claims 28**, Levac discloses outputting a predetermined sound prior to outputting the synthetic speech. Levac recites: "*The mailbox notifies the user that a new message has been received*" (column 1, lines 34-35).

22.   **Regarding dependent claims 29**, Levac discloses a computer and a telephone system. Levac recites: *"Accordingly, a message generated by a source (e.g., an individual or user, a real-time data source, a sensor or other software applications or hardware devices) can be automatically conveyed to diverse communication devices, such as networked personal computers, message marquees (e.g., large character displays), telephone systems"* (column 3, lines 49-55).

23.   **Regarding claims 30-33, 39-42 and 48-51**, the claims are directed toward a method for the apparatus of claims 25-28, respectively, and are rejected using the same rationale.

24.   **Regarding claims 34-38 and 43-47**, the claims contain substantially the same subject matter as claims 25-29, respectively, and are rejected using the same rationale.

Conclusion

25.   The following prior art made of record and not relied upon is considered
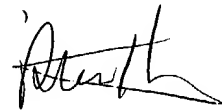
pertinent to applicant's disclosure:

Patent/Publication	Date	Inventor
• US-5,887,243	03-1999	Harvey et al.
• US-6,034,970	03-2000	Levac et al.
• US-6,076,060	06-2000	Lin et al.
• US-6,185,535	02-2001	Hedin et al.
• US-6,208,959	03-2001	Jonsson et al.
• US-6,317,594	11-2001	Gossman et al.
• US-6,411,685	06-2002	O'Neal, Stephen C.
• US-6,557,026	04-2003	Stephens, Jr., James H.
• US-6,728,934	04-2004	Scopes, Philip M.
• US-2001/0033564	10-2001	HICKMAN, PAUL L.
• US-2002/0059402	05-2002	BELANGER, CHARLES E.

26.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Gregory J. Vaughn whose telephone

number is (703) 305-4672 (after 10/12/2004 use (571) 272-4131). The

examiner can normally be reached Monday to Friday from 8:00 am to 5:00

pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Stephen S. Hong can be reached at (703) 308-5465

(after 10/12/2004 use (571) 272-4124). The fax phone number for the

organization where this application or proceeding is assigned is 703-872-

9306 (after 10/12/2004 use (571) 272-2100).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
September 30, 2004

STEPHEN S. HONG
PRIMARY EXAMINER